

Tree Removal and Prescribed Burning Code Amendments

Governing Board
February 2020

Agenda

- Overall need for Chapter 61 update
- Review Section 61.1. Tree Removal Recommended Updates
- Review Section 61.2. Prescribed Fire Recommended Updates

Context

What the public sees and perceives as healthy versus what was historically present and is ecologically needed



Goals of Code Update

- Reorganization
 - Sections for protections are scattered throughout in varying sections
- Elimination of redundancy
 - Reasons for Tree Removal are currently found in two separate sections
- Increase forest resilience and leverage collaborative partnerships within the Basin

A photograph of a forest with tall, thin trees and a grassy ground. A semi-transparent white box is overlaid on the image, containing the chapter title.

Chapter 61.1. Tree Removal Updates

Historical Context

- Lake Tahoe Watershed Assessment, 2000
- Taylor, 2007
- General Technical Report 220, 2009
- Stephens et al., 2015

Early explorers described the forests of the Tahoe basin as “dominated by giant pine trees with so much room on the forest floor that riders could travel at full gallop without losing their hats” (*San Francisco Chronicle*, August 21, 1995). Second growth stands are currently 10 times denser with trees that are considerably smaller in diameter (Taylor 1997).



Emerald Bay - 1890s



Emerald Bay - 1990s

Tree Removal/Thinning

- Tree removal can:
 - Increase diverse habitat
 - Decrease tree density
 - Increase structural heterogeneity
 - Allow for reintroduction of Rx Fire post treatment
 - Protect homes, infrastructure, and fire fighters



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Proposed Amendments to 61.1.

- Modifying language for clarity
- Renumbering and reorganization
- Minor deletions

Modified Language within Sections



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Section Number	Summary of Change
61.1.4.B.1. Management Objectives	Rely on qualified forester judgement, add consideration for forest health, insects and disease, drought and climate change.
61.1.4.B.3. Tree Removal for Early Successional Stage Vegetation Management	Reference soil stabilization instead of revegetation.
61.1.6.A. Cutting Practices	Rely on qualified forester judgement, revised sections that are redundant with current practices.
61.1.6.E. Slash Disposal	Revise language to reflect “approved buffer distance”.
61.1.6.F. Erosion Control	Revise language to require design criteria that avoids soil leaving project area.
61.1.4.A. Hazard Tree Removal	Add language relying on partner Memorandums of Understanding.
61.1.5. General Tree Removal Standards	Add language allowing TRPA to consider plans created in compliance with CEQA and the California Forest Practice Rules.
61.1.8.B. Public Parcels	The review process for substantial tree removal for partner agencies will rely on Memorandums of Understanding when in place.



AB. Cutting Practices

The following cutting practice standards apply:

1. Sufficient trees shall be reserved and left uncut and undamaged to meet the minimum acceptable stocking standards of the appropriate state or federal forestry agency, except in cases of early successional stage management;
2. Group selections shall be limited to use for achieving management objectives based on the judgement of a qualified forester; ~~as approved by TRPA~~. Group selections shall be limited in size to less than five acres (See subparagraph 61.1.6);
3. All live trees to be cut shall be marked on bole and stump with paint by, or under the supervision of, a qualified forester prior to TRPA approval. Trees to be removed or protected may be designated by other means in situations involving clear cuts or thinning of exceptionally dense thickets, or other situations that warrant an alternate method of designation. The alternate method shall be stated in the plans and must be approved by TRPA;
4. Damage to unmarked trees and residual vegetation shall be avoided to the extent feasible;
-  5. All trees shall be felled in line with the skidding direction wherever possible;
-  6. All trees shall be limbed on all sides where feasible and topped prior to skidding except where whole tree skidding is less disruptive to the forest resources;
7. Stumps shall be cut as low as can be done safely and to the extent that is feasible for harvesting equipment; ~~kept to a height of six inches or less on the side adjacent to the highest ground, except where safety or imbedded metal make this impractical~~;
8. If stump removal will result in greater than three cubic yards of soil disturbance, a grading permit shall be obtained from TRPA prior to removal of stumps;
9. Green stumps shall be treated to prevent the spread of root disease as specified by a qualified forester; and
10. Insect-infested wood and wood susceptible to insect infestation shall be treated or disposed of as specified by a qualified forester.



61.1.4.A. Hazard Tree Removal

61.1. TREE REMOVAL

61.1.4. Reasons for Tree Removal

Except for trees identified for retention under subsection [61.3.7](#) ~~61.1.4~~, tree removal shall incorporate measures and prescriptions that promote a range of threshold standards and SEZs pursuant to ~~subsection paragraph~~ [61.3.10](#) ~~61.1.6.C~~. Trees may be removed for the reasons provided below.

A. Hazardous Tree Removal

To protect lives and property, trees reported by a qualified forester to be hazardous to property or lives may be removed upon approval by TRPA [unless otherwise exempt through a Memorandum of Understanding](#). Other vegetation shall be protected during removal operations to prevent their [damage](#). ~~injury~~.

61.1.5. General Tree Removal Standards

C. Harvest or Tree Removal Plan

In cases of substantial tree removal, as set forth in subparagraph 61.1.8, the applicant shall submit a harvest plan or tree removal plan prepared by a qualified forester. The plan shall set forth prescriptions for tree removal, water quality protection, vegetation protection, residual stocking levels, reforestation, slash disposal, fire protection, and other appropriate considerations. The plan, as approved by TRPA, shall become a part of the project and prescriptions contained in the plan shall be conditions of approval. TRPA may consider plans developed pursuant to the California Forest Practice Rules or other CEQA documents completed by a qualified forester to meet the intention of this section provided all the required elements are addressed.

61.1.8.B. Public Parcels

B. Public Parcels

1. The review process for substantial tree removal for public parcels administered by public land management agencies may be determined according to Memorandums of Understanding between the partner agency and the TRPA. For agencies without an MOU with the TRPA, the process shall be the same as for private parcels listed above. ~~public parcels administered by the U.S. Forest Service shall include the following:~~
 - ~~a. Coordination with TRPA at the initial planning stages;~~
 - ~~b. Preparation of environmental assessment;~~
 - ~~c. Preparation of environmental impact statement (if necessary);~~
 - ~~d. Submittal of tree removal or harvest plan;~~
 - ~~e. Approval of project by TRPA; and~~
 - ~~f. TRPA monitoring and evaluation.~~
2. ~~For other public parcels the process shall be the same as for private parcels in 1 above.~~

Renumbered Sections

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Old Number	New Number
61.1.4, Old Growth Enhancement and Protection	61.3.7
61.1.6.J Historic Resource Protection, J.1, and J.2	Subsection 61.3.8, 61.3.8.A, and 61.3.8.B.
61.1.6.K. Wildlife, Habitat, and Sensitive Plants and K.1 through K.3	Subsection 61.3.9, 61.3.9.A through 61.3.9.C
61.1.6.C, Tree Cutting within Stream Environment Zones and its subparagraphs C.1 through C.5	Subsection 61.3.10 and Subparagraphs 61.3.10.A through E.
Subsection 61.1.7, <i>Reasons for Tree Removal</i> and its subparagraphs	61.1.4
61.1.4.B. Emergency Tree Removal; 61.1.4.D. Fire Hazard Tree Removal 61.1.4.J. Tree Removal During Emergency Fire Suppression Activities	61.1.4.A.1.Emergency Tree Removal 61.1.4.A.2. Fire Hazard Tree Removal 61.1.4.A.3. Tree Removal During Emergency Fire Suppression Activities
61.1.4.G.Tree Removal for Solar Access 61.1.4.H. Tree Removal for Ski Areas and Right-of-Ways 61.1.4.I. Tree Removal for Development 61.1.4.K Tree Removal to Enhance Scenic View Points from Public Roadways	61.1.4.C. Tree Removal for Solar Access 61.1.4.E. Tree Removal for Ski Areas and Right-of-Ways 61.1.4.F. Tree Removal for Development 61.1.4.G. Tree Removal to Enhance Scenic View Points from Public Roadways
61.1.6.D through 61.1.6.F.	61.1.6.B. through 61.1.6.D.
61.1.9 Commercial Tree Removal	61.1.7. Commercial Tree Removal
61.1.6.A Management Objectives	61.1.4.B.1. Management Objectives
Subsection 61.1.4.C. Dead, Dying, or Diseased Tree Removal 61.1.4.E. Early Successional Stage Vegetation Management 61.1.4.F. Tree Removal for Enhancement of Forest Health	61.1.4.B.2. Dead, Dying, or Diseased Tree Removal 61.1.4.B.3. Early Successional Stage Vegetation Management 61.1.4.B.4. Tree Removal for Enhancement of Forest Health
61.1.6.B. Cutting Practices	61.1.6.A. Cutting Practices
61.1.6.G. Slash Disposal	61.1.6.E. Slash Disposal
61.1.6.I. Erosion Control	61.1.6.F. Erosion Control

Deleted Section and Added new Sub-section

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Deleted	Added
61.1.6.H. Restocking	61.1.4.B. Ecosystem Management Goals and EIP Projects
	61.1.4.D. Public Utility Right-of-Ways



Chapter 61.2. Prescribed Burning

Prescribed Fire

- Variety of Benefits including:
 - Key ecological process
 - Reduce fuels and wildfire risk
 - Reduce smoke impacts
- 2017 accomplishments: 791 acres
- 2018 accomplishments: 771 acres



61.2. Amendments to Remove Redundancy

Deleted	Rationale
61.2.3.B. Limitations	Redundant with sentence in above sub-section
61.2.5.B.7.	Does not provide additional information and does not preclude the TRPA from requesting additional materials.

Memorandums of Understanding

- Partners such as USFS, CTC, Ca State Parks, NDF, Fire Protection Districts
- Exempt and qualified exempt activities
- Activities include:
 - Tree removal
 - Prescribed burning
 - Vegetation management up to a 100 acres
 - Reforestation
 - Timber stand improvement

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Committee Recommendations

- Forest Health and Wildfire Committee
 - Reviewed on November 20th and recommended adoption
- Regional Plan Implementation Committee
 - Reviewed on January 22nd and recommended adoption
- Advisory Planning Commission
 - Reviewed on February 12th and recommended adoption

Questions?

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Motions

- 1) A motion to approve the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendment as described in the staff summary.
- 2) A motion to adopt Ordinance 2020-_____, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A.